IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

W.A.No.82 of 2007

AGAINST THE JUDGEMENT IN W.P.(C).NO.28258/2006 DATED 16/11/2006
.....

APPELLANT: PETITIONER:-

MAYIN, S/O.PARAMBATHAZHATH IBRAHIM,
KADAVALLUR VILLAGE, KORATTIKKARA DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: RESPONDENT:-

STATE OF KERALA THROUGH THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.RAVINDRA BABU.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.82 of 2007 & C.M.Appln.No.48 of 2007

Dated, this the 23rd day of January, 2007

JUDGMENT

V.K.Bali,C.J.

Delay condoned.

2. The appellant, who is the petitioner in the original lis, has filed this Writ Appeal challenging the order dated 16th November, 2006 passed by the learned Single Judge recorded in W.P.(C).No.28258 of 2006(L), by which the prayer of the petitioner to quash the proceedings against him in Crime No.207 of 1994 of Kunnamkulam Police Station under Sections 143, 147, 148, 324 and 323 read with Section 149 of Indian Penal Code was rejected. The solitary ground in support of the petition for quashing the criminal proceedings was that the co-accused of the petitioner were tried at a time when the petitioner was absconding and have since been acquitted. This could not be a ground to quash criminal proceedings against the petitioner. Learned Single Judge, it appears, rightly held that acquittal of a co-accused based on the evidence led against him would be no ground for an automatic acquittal of petitioner. It is settled

proposition of law that evidence of one case cannot be used in another case. There is absolutely no merit in the Writ Appeal, which we hereby dismiss in limine.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-